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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,971	04/05/2004	Paul F. McMahan	014682-000005	2970

44870   7590   05/14/2008
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ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
05/14/2008	PAPER

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PTOL-90A (Rev. 04/07)

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/708,971
Filing Date: April 05, 2004
Appellant(s): MCMAHAN ET AL.

Charles L. Moore
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/19/2008 appealing from the Office action

mailed 8/09/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| US 2003/0145275 | Qian | 7-2003 |
| 6,792,575 | Samaniego et al. | 9-2004 |

6,981,223   Becker   12-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 11-14,18-20,23-28, and 31-32 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Qian et al. ("Qian" US 2003/0145275) in view of Samaniego et

al. ("Samaniego" US 6792575).

As per claim 11, Qian teaches a method to detach and reattach at least one

portlet associated with a portal, comprising:

- Detaching a selected portlet in response to activating a detach feature; (Figure

   1—*portlet 32;* Paragraph 0041)

- Reattaching the detached portlet in response to activating a reattach feature (Figure 1—*detach feature 34*) .

Qian does not teach forming a placeholder in the portal to represent each detached portlet, wherein each placeholder is formed in response to an associate portlet being detached. .

Samaniego teaches, "a small placeholder image is automatically displayed for the user instead of the actual data. The small placeholder image holds a place on a display device for the data or the embedded graphical image until the data or embedded graphical image is received. When embedded graphical image is received, the placeholder image is removed, and the display device is reformatted to display the embedded graphical image." (Column 2, Lines 44-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Qian with the teachings of Samaniego and include a placeholder instead of the actual data with the motivation to provide the user a better understanding of how the web page is laid out, and to make sure the user is aware of the fact that there is data that is supposed to be in that location.

As per claim 12, Qian-Samaniego teaches transferring the selected, detached portlet to a window in response to activating the detach feature (Qian Paragraph 0041).

As per claim 13, Qian-Samaniego teaches forming an independently managed window for each detached portlet (Qian Paragraph 0041).

As per claim 14, Qian-Samaniego teaches a method comprising forming a single portlet for all detached portlets (Qian Paragraph 0041).

As per claim 18, Qian-Samaniego teaches forming a communications tunnel between the placeholder and the detached portlet for communications with the detached portlet through the portal (Samaniego, Column 2, Lines 44-51). The placeholder is a component of the portal/window environment; therefore (since data is flowing back and forth) there is tunneling communication between the portal/window environment and any detached portlets/windows.

Claim 19 is similar in scope to the combination of claims 11 and 12, and is therefore rejected under similar rationale.

Claim 20 is similar in scope to claim 13, and is therefore rejected under similar rationale.

As per claim 23, Qian-Samaniego teaches a method further comprising transferring a detached portlet from the window to the portal in response to activating the reattach feature. (Qian, Figure 1, Element 34).

Claim 24 is similar in scope to claim 11, and is therefore rejected under similar rationale.

Claims 25-26 are similar in scope to claim 13, and are therefore rejected under similar rationale.

Claim 27 is similar in scope to claim 13, and is therefore rejected under similar rationale.

Claim 28 is similar in scope to claim 23, and is therefore rejected under similar rationale.

Claims 31 and 32 are similar in scope to claim 18, and are therefore rejected
under similar rationale.

Claims 16-17, 22, and 30 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Qian et al. ("Qian" US 2003/0145275) in view of Samaniego et al.
(US 6792575) and further in view of Becker et al. ("Becker" US 6,981,223).

As per claim 16, Qian and Samaniego fail to teach that the placeholder
comprises a reattach feature. Becker teaches a multiple messaging window
management system wherein the portal (*main window*) comprises a reattach feature
(Figure 13—Dock Option 1204) to reattach (dock) the detached portlet (*window pane*) to
the portal in response to activating the reattach feature (Figure 13, Column 19, lines 55-
57).

It would have been obvious to a skilled artisan at the time of the invention to
combine Becker's teaching with the method of Qian and Samaniego to give the user an
additional option for reattaching the detached portlet, which would be beneficial in an
instance where the detached portlet is hidden.

As per claim 17, Qian-Samaniego-Becker further teach a method comprising
transferring a detached portlet from a window to the portal in response to activating the
reattach feature (Becker Figure 13, Column 19, lines 55-57).

Claims 22 and 30 are similar in scope to 16 and are therefore rejected under
similar rationale.

(10) Response to Argument

In response to the Applicant's argument that the placeholder in Sammaniego is for an image to be rendered, not an object or portlet that has been detached or removed, the Examiner agrees. That is why he used the combination of Qian and Sammaniego. Qian is used to teach that portles can be attached and detached but there is no placeholder that is formed. The Examiner combined Qian with Sammaniego in an obviousness type rejection to teach that a placeholder (in this case image) can be used for portlets. Thus, the Examiner has shown that it was known to a PHOSITA that placeholders were available prior to the Applicant's invention. Just because the Applicant is using them in a portal environment should not make then patentable over the prior art.

In response to the Applicant's argument that Qian-Sammaniego do not teach forming a communication tunnel, the Examiner respectfully disagrees. When Qian and Sammaniego are combined, the placeholder is a component of the portal/window environment; therefore (since data is flowing back and forth) there is tunneling communication between the portal/window environment and any detached portlets/windows. Since the claim language is silent with regards to what kind of data is being tunneled, the Examiner has interpreted the data to be data to instantiate the placeholder and to close the placeholder.

In regards to the Applicant's argument that Becker does not teach forming a reattach feature on at least one of each placeholder and each detached portlet, the

Examiner respectfully disagrees. Once again the Applicant is attacking the references

individually; one cannot show nonobviousness by attacking references individually

where the rejections are based on combinations of references. See *In re Keller*, 642

F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986). In this instance, Sammaniego is used to teach the

placeholder, and the combination of all of the three references teaches the limitations of

claims 16-17, 22, and 30.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Boris Pesin

/B. P./

Examiner, Art Unit 2174

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